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Attorneys for Defendant Mark Nordlicht

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re OPTIONABLE SECURITIES	:	07 Civ. 3753 (LAK)
LITIGATION	:	
-----X	:	

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the annexed affidavit of Eliot Lauer sworn to on February 15, 2008, together with the exhibits attached thereto, and the accompanying Memorandum of Law in Support of Mark Nordlicht's Motion to Dismiss the Consolidated Amended Class Action Complaint, defendant Mark Nordlicht ("Nordlicht") hereby moves this Court, before the Honorable Lewis A. Kaplan, United States District Judge for the Southern District of New York, at the United States Courthouse at 500 Pearl Street, New York, New York, for an order dismissing with prejudice Plaintiffs' Consolidated Amended Class Action Complaint as against Nordlicht, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4, and granting such other and further relief as the Court deems just and proper.

Nordlicht submits this motion subject to and without waiving any arguments concerning other defenses that may be raised subsequently in the above-captioned actions or any other actions consolidated before this Court.

Dated: New York, New York
February 15, 2008

CURTIS, MALLET-PREVOST,
COLT & MOSLE LLP

By: _____

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